

Rec'd PCT/PTO

23 JAN 2006

D PETER HOCHBERG CO LPA

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01/23/06 16:51 :01/12 NO:676

## D. PETER HOCHBERG CO., L.P.A.

ATTORNEYS AT LAW

D. PETER HOCHBERG\*  
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KATHERINE R. VIEYRA

JAMES A. RICH\*\*\*  
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OF COUNSEL

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INTELLECTUAL PROPERTY LAW

PATENT TRADEMARK  
AND COPYRIGHT LAW

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January 23, 2006

**Via fax only: 1 (571) 273-3201 – 12 pages**

PCT Operations  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Re: Krumme U.S. Patent Appln. 10/533,835 filed May 4, 2005  
MULTILAYERED TRANSMUCOSAL THERAPEUTIC SYSTEM  
(per Preliminary Amendment on filing of application)  
Our Ref. RO4037US (#90568)

Dear Sir or Madam:

Attached is a copy of the first page of the official Filing Receipt with a mailing date of 10/03/2005. Three portions of the Filing Receipt contain errors, namely: 1) the Applicant's city and state of residence is wrong, 2) the listing of attorneys under the section "Power of Attorney" is incomplete, and 3) the title should be as presented in the Preliminary Amendment filed with the application. The corrections are entered on the copy of the Filing Receipt and are noted below:

- 1) Applicant: Markus Krumme, Randolph, New Jersey
- 2) Attorneys listed in the "Combined Declaration and Power of Attorney" at page 3 (submitted herewith and discussed below):

D. Peter Hochberg	Reg. No. 24,603
Sean Mellino	Reg. No. 48,817
Katherine R. Vieyra	Reg. No. 47,155
James A. Rich	Reg. No. 25,519

- 3) Title: MULTILAYERED TRANSMUCOSAL THEREPEUTIC SYSTEM

Along with the official Filing Receipt, we received the Notice of Acceptance of Application that indicated: "Oath or Declaration filed on 05/04/2005." However, this was not the

PCT Operations

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January 23, 2006

Declaration and Power of Attorney that was executed by the inventor for this U.S. case. Accordingly, we are enclosing a copy of the "Combined Declaration and Power of Attorney" as executed by the applicant on May 19, 2005 for entry of the Power of Attorney portion of this document. Further, this Combined Declaration and Power of Attorney supports the inventor's address details, the attorney listing and the proper title for this case.

Heretofore, our procedure with our client was to obtain the inventor(s) signature(s) on a "Combined Declaration and Power of Attorney" and an "Assignment" for the individual national phase applications that we file for them, and subsequently file the Declaration and Power of Attorney when we received a Notice of Missing Requirements. Therefore, we were awaiting a Notice of Missing Requirements to formally submit the enclosed Declaration and Power of Attorney. However, we have learned that our client has been filing an Oath with their PCT applications that is being accepted by the USPTO; thus, no Notice of Missing Requirements is issued.

Further supporting the title for this application (MULTILAYERED TRANSMUCOSAL THERAPEUTIC SYSTEM) are copies of the first two relevant pages of the Preliminary Amendment as filed with the application. It appears that titles amended in a Preliminary Amendment are being overlooked when processing Filing Receipts for national phase applications.

Lastly, an "Application Data Sheet" is enclosed reflecting the proper details for this application. Correction of the records of the USPTO is respectfully requested, and we look forward to receiving a corrected Filing Receipt in due course.

Respectfully submitted,



D. Peter Hochberg

DPH/ck  
Enc.



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://uspto.gov)

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE RECD	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/533,835	05/04/2005	1616	1000	RO4037US (#90568)	1	22	2

D Peter Hochberg  
 1940 East 6th Street  
 6th Floor  
 Cleveland, OH 44114

CONFIRMATION NO. 8149

## FILING RECEIPT



\*OC000000017129299\*

Date Mailed: 10/03/2005

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

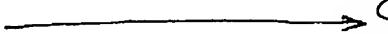
## Applicant(s)

Markus Krumme, Newied, GERMANY;

Should be:  
Markus Krumme, Randolph, NJ 07869

## Power of Attorney:

D Hochberg--24603



D. Peter Hochberg  
 Sean Mellino  
 Katherine R. Vieyra  
 James A. Rich

Reg. No. 24,603  
 Reg. No. 48,817  
 Reg. No. 47,155  
 Reg. No. 25,519

## Domestic Priority data as claimed by applicant

This application is a 371 of PCT/EP03/12272 11/04/2003

## Foreign Applications

GERMANY 10252726.1 11/13/2002

Projected Publication Date: 01/05/2006

Non-Publication Request: No

Early Publication Request: No

Title →

Multi-layer transmucosal therapeutic system

MULTILAYERED TRANSMUCOSAL THEREPEUTIC SYSTEM

Attorney Docket No. R04037US (#90568)

**COMBINED DECLARATION AND POWER OF ATTORNEY**(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL,  
DIVISIONAL, CONTINUATION OR CIP)

As a below named inventor, I hereby declare that:

**TYPE OF DECLARATION**

This declaration is of the following type: (check one applicable item below)

- (  ) original  
(  ) design

NOTE: If the declaration is for an International Application being filed as a divisional, continuation or continuation-in-part application do not check any of next two items and check appropriate one of last three items.

- (  ) national stage of PCT  
(  ) supplemental

NOTE: If one of the following 3 items apply then complete and also attach ADDED PAGES FOR DIVISIONAL, CONTINUATION OR CIP.

- (  ) divisional  
(  ) continuation  
(  ) continuation-in-part (CIP)

**INVENTORSHIP IDENTIFICATION**

My residence, post office address and citizenship are as stated below next to my name, I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**TITLE OF INVENTION****MULTILAYERED TRANSMUCOSAL THERAPEUTIC SYSTEM****SPECIFICATION IDENTIFICATION**

the specification of which: (complete (a), (b), or (c))

- (a) (  ) is attached hereto.  
(b) (  ) was filed on as (  ) Serial No. \_\_\_\_\_ or

- ( ) Express Mail No. \_\_\_\_\_, as Serial No. not yet known  
and was amended on \_\_\_\_\_ (if applicable).
- (c) ( ) was described and claimed in PCT International Application  
No. PCT/EP 03/12272 filed on November 4<sup>th</sup>, 2003  
and as amendment under PCT Article 19 on \_\_\_\_\_ (if any).

#### **ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR**

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations. Sec. 1.56(a).

- ( ) In compliance with this duty there is attached an information disclosure statement. 37 CFR 1.97.

#### **PRIORITY CLAIM**

I hereby claim foreign priority benefits under Title 35, United States Code, Sec. 119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

(complete (d) or (e))

- (d) ( ) no such applications have been filed.  
(e) ( ) such applications have been filed as follows

NOTE: Where item (c) is entered above and the International Application which designated the U.S. claimed priority check item (e), enter the details below and make the priority claim.

#### **EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

COUNTRY	APPLICATION NO.	DATE OF FILING (month,day,year)	PRIORITY CLAIMED <u>UNDER 37 USC 119</u>
			( ) YES NO ( )
			( ) YES NO ( )

ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

<u>Germany</u>	<u>Appln. 102 52 726.1</u>	<u>Filed November 13, 2002</u>
<u>PCT</u>	<u>Appln. PCT/EP 03/12272</u>	<u>Filed November 4<sup>th</sup>, 2003</u>

#### POWER OF ATTORNEY

As a named inventor, I hereby appoint D. Peter Hochberg, Reg. No. 24,603, Sean Mellino, Reg. No. 48,817, Katherine R. Vieyra, Reg. No. 47,155, and James A. Rich, Reg. No. 25,519, to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

SEND CORRESPONDENCE TO:

D. Peter Hochberg Co., L.P.A.  
The Baker Building - 6th Floor  
1940 East 6th Street  
Cleveland, Ohio 44114-2294

DIRECT TELEPHONE CALLS TO:  
(Name and telephone number)

D. Peter Hochberg  
(216) 771-3800

#### DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

#### SIGNATURE(S)

Full name of sole inventor: Markus KRUMME

Markus Krumme  
Inventor's signature

5/19/2005 Date Germany Country of Citizenship

9 Rose Way, Randolph, NJ 07869, USA

Residence

9 Rose Way, Randolph, NJ 07869, USA

Post Office Address

CHECK PROPER BOX(ES) IF ANY OF THE FOLLOWING ADDED PAGE(S)  
FORM A PART OF THIS DECLARATION

- ( ) Signature for fourth and subsequent joint inventors. Number of pages added \_\_\_\_\_.
- ( ) Signature by administrator(trix), executor(trix) or legal representative of deceased or incapacitated inventor. Number of pages added \_\_\_\_\_.
- ( ) Signature for inventor who refuses to sign or cannot be reached by person authorized under 37 CFR 1.47. Number of pages added  
\_\_\_\_\_.

\*\*\*

- ( ) Added pages to combined declaration and power of attorney for a conversion of a provisional, divisional, continuation, or continuation-in-part (CIP) application. {Not required if modifications for provisional incorporated herein.}
- ( ) Number of pages added \_\_\_\_\_.

\*\*\*

If no further pages form a part of this Declaration then end this Declaration with this page and check the following item.

**( X ) This declaration ends with this page.**

D PETER HOCHBERG CO LPA

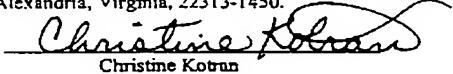
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EXPRESS MAIL CERTIFICATION UNDER 37 CFR 1.10

"Express Mail" label number EV203146098US  
Date of deposit 5/4/2005

I hereby certify that the paper(s) identified above, and any document(s) referred to as attached hereto, is being deposited with the United States Postal Service on the date indicated in an envelope as "Express Mail Post Office to Addressee" and is addressed: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia, 22313-1450.

  
Christine Kotun

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Markus Krumme

Serial No. :

Filing Date : Herewith

Examiner :

Group Art Unit:

Title : MULTILAYERED TRANSMUCOSAL THERAPEUTIC SYSTEM (as amended herein)

Attorney File : RO4037US (#90568)

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia, 22313-1450

PRELIMINARY AMENDMENT

Dear Sir:

Please amend the above-referenced application as follows:

D PETER HOCHBERG CO LPA

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In the Title:

Please amend the title of the application from "MULTI-LAYER TRANSMUCOSAL THERAPEUTIC SYSTEM" to "MULTILAYERED TRANSMUCOSAL THERAPEUTIC SYSTEM."

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below:

To Fax No.: 1 (571) 273-3201

By: Christine A. Kotran  
Christine A. Kotran

Date: January 23, 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**Applicant:** Markus Krumme

**Serial No.:** 10/533,835

Filed: May 4, 2005 / Conf. No. 8149

## **MULTILAYERED TRANSMUCOSAL THERAPEUTIC SYSTEM**

Art Unit: 1616

Attorney File: RO4037US (#90568)

PCT Operations  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

## **APPLICATION DATA SHEET**

**1. Applicant Information (including name, residence, mailing address and citizenship):**

Markus Krumme a citizen of Germany  
9 Rose Way  
Randolph, NJ 07869, U.S.A.

**2. Correspondence Information:**

D. Peter Hochberg, Esq.  
D. Peter Hochberg Co., L.P.A.  
1940 East 6<sup>th</sup> Street - 6<sup>th</sup> Floor  
Cleveland, Ohio 44114  
Phone: (216) 771-3800 / Fax: (216) 771-3804  
Email: dphdocket@aol.com

Customer No. 28,672

**3. Application Information:**

Title: MULTILAYERED TRANSMUCOSAL THERAPEUTIC SYSTEM

Total number of drawing sheets: 1

Suggested drawing figure for publication: 1

Docket number assigned to application: RO4037US (#90568)

Type of application (e.g., utility, plant, design, reissue, provisional): Utility

Any significant part of application subject matter subject to secrecy order: No

**4. Representative Information (including Reg. No. of each practitioner having Power of Atty.):**

D. Peter Hochberg	Reg. No. 24,603
Sean Mellino	Reg. No. 48,817
Katherine R. Vieyra	Reg. No. 47,155
James A. Rich	Reg. No. 25,519

D. Peter Hochberg Co., L.P.A.  
1940 East 6<sup>th</sup> Street – 6<sup>th</sup> Floor  
Cleveland, Ohio 44114  
Phone: (216) 771-3800 / Fax: (216) 771-3804  
Email: dphdocket@aol.com

Customer No. 28,672

**5. Domestic Priority Information (including appln. no., filing date, status - including patent number if available - and relationship of each appln. for which a benefit is claimed):**

Not applicable.

6. **Foreign Priority Information (including appln. no., country and filing date of each foreign appln. for which priority is claimed, as well as any foreign appln. having a filing date before that of the appln. for which priority is claimed):**

U.S. national phase of PCT/EP03/012272 filed November 4, 2003

Claims priority of German Appln. No. 102 52 726.1 filed November 13, 2002

7. **Assignee Information (including name – either person or juristic entity – and address of the assignee of the entire right, title and interest in an appln.):**

LTS Lohmann Therapie-Systeme AG  
Lohmannstrasse 2  
Andernach, Germany 56626

Respectfully submitted,

By: \_\_\_\_\_



D. Peter Hochberg  
Reg. No. 24,603

DPH/ck

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